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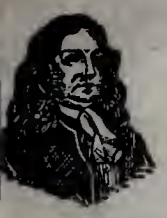

Monthly Bulletin
DEPARTMENT OF PUBLIC INSTRUCTION
Commonwealth of Pennsylvania

MAIN FEATURE

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937

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All material herein is released to the press upon receipt.

COUNTY SUPERINTENDENTS CONVENE

Discuss Provisions of Act 157

Superintendent of Public Instruction, Lester K. Ade, invited the County Superintendents and their assistants to a conference in Harrisburg, for the purpose of clarifying the provisions of Act 157 and planning the steps necessary to put the new law into operation in the counties of the Commonwealth. The State Superintendent presided, and after extending greetings to the county superintendents and their colleagues, briefly described the general legislative program as it affects education in Pennsylvania. He then introduced Deputy Superintendent, Gerald D. Whitney, who reviewed the numerous legislative measures relating to public education that had been passed by the General Assembly.

The remaining addresses of the conference dealt explicitly with Act 157. Dr. Lee L. Driver, Chief of the Division of Consolidation and Transportation, discussed the historical background of the Act; Dr. Clarence Ackley, Director of the Bureau of Administration and Finance, explained in detail the specific provisions of the Act; Mr. J. Y. Shambach, Deputy Secretary of the Public School Employes' Retirement Board, briefly reported the contributions of Federal project No. 5-122 to problems arising from Act 157.

Following these presentations, there was an open discussion which proved to be stimulating and enlightening to the County Superintendents, who are charged with the responsibility of leadership in carrying out the provisions of the Act.

Over Half the School Districts of State Affected by New Merging Act

Approximately 1,400 Classify Under Ten-Teacher-or-Less Clause

JULY 1938 SET FOR INITIAL MERGERS

A fundamental feature of Act Number 157, is the provision for the merging of the smaller school districts, with a view to improving their educational programs through a larger unit of administration.

After the first day of July, 1938, every school district now existing in which no teacher has been employed prior to the first day of January, 1937 for the school year 1936-1937, shall be merged with other districts and the lands comprising the same, together with any property or equipment owned by the district, shall become a part of such district as the Court of Common Pleas shall determine.

It shall be the duty of the County Board of School Directors to prepare and present petitions for such mergers in accordance with standards and regulations set up by the State Council of Education.

In like manner all school districts employing prior to the first day of January, 1937 for the school year 1936-1937, ten teachers or less, shall be merged with other districts after the first day of July, 1941, if the electors of any such school district shall first have consented to such merger. The question of such merger shall be submitted to the electors at the municipal election in the year 1939.

DISTRICTS EMPLOYING NO TEACHERS

Following is a tentative list by counties, of school districts in Pennsylvania employing no teachers, as reported in their latest applications for appropriations:

Adams
- Union Independent

Allegheny
- Ben Avon Heights Borough

Armstrong
- Hovey Township

Bedford
- Loysburg Independent

Bradford
- Burlington Borough
- Rome Borough

Butler
- Cherry Valley Borough
- Fairview Borough

Cambria
- Chest Springs Borough
- Loretto Borough
- Wilmore Borough

Cameron
- Portage Township

Chester
- East Caln Township

Crawford
- Pine Township

Cumberland
- Cook Township

Dauphin
- Reed Township

Delaware
- Milbourne Borough

Greene
- Jefferson Township

Lackawanna
- North Abington Township
- Roaring Brook Township

Lycoming
- Armstrong Township
- Bastress Township

Montgomery
- Bryn Athyn Borough

Snyder
- Beaver Township

Somerset
- Lower Turkeyfoot Township
- Shanksville Borough

Susquehanna
- Thompson Township

Tioga
- Deerfield Township
- Elkland Township
- Richmond Township
- Roseville Borough

Wayne
- Bethany Borough

DISTRICTS EMPLOYING TEN OR LESS TEACHERS

Of Pennsylvania's 2,582 school districts, 1,400, or more than fifty per cent, employ ten or less teachers. Following is a report by counties, of the number of districts which classify under this provision of the Act:

County	No. Districts Employing Ten Teachers or Less
Adams	28
Allegheny	31
Armstrong	25
Beaver	36
Bedford	27
Berks	36
Blair	10
Bradford	47
Bucks	32
Butler	44
Cambria	18
Cameron	6
Carbon	15
Centre	26
Chester	53
Clarion	21
Clearfield	30
Clinton	24
Columbia	20
Crawford	42
Cumberland	19
Dauphin	22
Delaware	9
Elk	4
Erie	20
Fayette	11
Forest	9
Franklin	5
Fulton	11
Greene	14
Huntingdon	44
Indiana	22
Jefferson	20
Juniata	15
Lackawanna	16
Lancaster	25
Lawrence	14
Lebanon	12
Lehigh	8
Luzerne	25
Lycoming	40
McKean	9
Mercer	35
Mifflin	6
Monroe	14
Montgomery	28

(Continued on Page 19, Column 2)

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937

141 Acts of General Assembly Open Way for Wide Improvements of Public School Program in Pennsylvania

MACHINERY IN MOTION TO PUT EXTENSIVE ENACTMENTS INTO EFFECT

DR. LESTER K. ADE
Superintendent of Public Instruction

The 1937 General Assembly during its five months' Session enacted more than 700 new laws affecting the general welfare of the Commonwealth. Of these, 141 pertain to public education.

In developing a Legislative Program, the Department of Public Instruction, in cooperation with educational and lay leaders throughout the State, surveyed the needs and conditions affecting the public schools and prepared proposals for the consideration of the General Assembly with a view to meeting present requirements in the field. A report of needed legislation, as revealed by this effort, was presented at the December 1936 meeting of the Pennsylvania State Education Association in Harrisburg, and was subsequently published in the February 1937 issue of the Public Education Bulletin.

As the General Assembly labored over the hundreds of proposals brought before it, this Department and other agencies interested in public education cooperated in order to secure passage of such measures as would be of most benefit to the children and youth of the Commonwealth. Many of the measures were formulated by the Staff of the Department; others, while drawn up by other agencies, were supported by the Department because of their direct value to public education. More than 100 measures designed to meet needs outside the field of education had an indirect relation to the educational program and were accordingly followed with interest. Among the vast number of bills presented were a few that would have defeated the objectives of the program and accordingly were opposed by educational interests.

Thus, throughout the development of this vital and widespread legislation, the Department of Public Instruction has been keenly aware of its great responsibility in advancing such measures as will best serve the present and future needs of the children, youth and adults of the Commonwealth. In this effort we have been favored with good fortune in several important respects. One of these was the unanimity that characterized the thought and action of the members of the two Houses at the opening sessions and which persisted in a marked degree during the entire Session of the General Assembly.

Another favorable circumstance was the interest and active support of the Administration, which at no time failed to lend its influence to measures designed to serve the public schools and to aid educational leaders and citizens to meet the new challenge to education.

The educational interests of the State further benefited by the enthusiastic interest and indomitable leadership exemplified by the committees on education in both the House and Senate.

These advantageous circumstances, together with the fact that the Commonwealth was faced with numberless crucial problems, made it possible for the 1937 Session of the General Assembly to achieve an almost unprecedented program of constructive legislation momentous in its social implications.

Following is a summary report of the number of educational bills and resolutions introduced and passed by the 1937 Session of the General Assembly:

EDUCATION BILLS INTRODUCED

House Bills	294
House Resolutions	14
Senate Bills	146
Senate Resolutions	1
Total	455

EDUCATION BILLS PASSED

House Bills	85
House Resolutions	2
Senate Bills	53
Senate Resolutions	1
Total	141

Immediately following the adjournment of the General Assembly, the Department of Public Instruction proceeded to make a study-analysis of the 141 measures enacted in the interest of education with a view to making essential information on the new laws available to educational and lay leaders throughout the State. This constituted the first step toward setting up the machinery for the full and effective operation of the enactments in the school system of the Commonwealth.

The potential benefits to public education of the new legislation can be realized only by putting these enactments into effect. This will require the same cooperative effort as that which has been so successfully exemplified in formulating and promoting the program to its present stage. School and laymen alike have some responsibility in establishing the machinery for putting into force the salient provisions enacted by the General Assembly. This great responsibility must be shared by schoolboard members and other officers, county and district superintendents of schools, supervising and secondary school principals, vocational supervisors, teachers, and librarians, as well as various civic, social and educational groups and the citizens in general.

The Department of Public Instruction is making every Bureau, Division and Section available for the assistance of school men and other citizens of the State in their plans to convert the fullest possibilities of the new laws

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937—CONTINUED

on education to the best benefit of the pupils of the Commonwealth.

Following is a digest of the acts of the General Assembly of 1937 which relate to public education. For convenience they are classified under seventeen headings. These headings are in alphabetical arrangement and the acts under each are reported in numerical order.

Subject of Laws	*No. of Laws*
Amendments to the Constitution	4
Appropriations	1
Attendance, Census and Employment	3
Buildings and Grounds	8
Business and Finance	11
County Boards, County Superintendents, and County Units	1
Educational Institutions	5
Election Laws	6
Historical Commission	8
Libraries	1
Tax Laws	21
Teachers	12
Transportation	5
Tuition	2
Validation	7
Vocational Education	5
Professional Licensing	13
Miscellaneous*	28
Total	141

I. AMENDMENTS TO THE CONSTITUTION

HOUSE BILL NO. 1 is a joint resolution proposing an amendment to Section 1, Article IX of the Constitution of Pennsylvania to permit the levy of graded or graduated income, inheritance, estate, and other excise taxes. (To be submitted to voters of the State in November, 1937.)

HOUSE BILL NO. 140 is a joint resolution proposing an amendment to Article IX of the Constitution of Pennsylvania by adding a Section (17) to authorize the State to issue bonds to the amount of forty-two million dollars ($42,000,000) for the acquisition of lands and buildings and the construction and improvement of state-owned buildings and for the equipment thereof. (To be submitted to voters of the State in November, 1937.)

HOUSE BILL NO. 1172 is a joint resolution proposing an amendment to Section I, Article IX of the Constitution of Pennsylvania to make possible graded or graduated excise taxes, including income taxes, from any source, and death duties, including estate and succession taxes.

Act 459, July 1, H. 1194 creates a Joint State Government Commission to make studies for the use of the legislative branch of government for the purpose of improving the administrative organization of the State Government, eliminating waste and overlapping of functions and effecting more scientific, equitable and economical financing of the government, and to make such other studies as may be deemed useful to the General Assembly. The Commission is given power to call upon any department or agency of the State Government for such information as it deems pertinent.

*Not included in the Digest because only remotely related to education.

II. APPROPRIATIONS

ACT 103-A, July 2, H. 1177, the General Appropriation Act, allocates funds as follows:

DEPARTMENTAL	
Salary of the Superintendent	$ 24,000
Salaries & General Expenses (Departmental)	632,500
State Library and Museum	223,000
Press Information	15,000
Professional Examining Boards	552,300
State Board of Pharmacy	20,000
Board of Censors	131,750
Pennsylvania Historical Commission	55,000
Total Departmental	**$ 1,653,550**
INSTITUTIONAL	
State Teachers Colleges	$ 3,720,000
State Oral School for the Deaf	160,000
Pennsylvania Soldiers' Orphan School	315,000
Thaddeus Stevens Industrial School	95,000
Total Institutional	**$ 4,290,000**
SUBSIDIES	
Salaries of County Superintendents	$ 482,027
Expenses of County Superintendents	50,000
Salaries of Asst. County Superintendents	459,500
Expenses of Asst. County Superintendents	70,000
Salaries of County Boards	39,600
Transportation	3,500,000
Vocational Education	800,000
Miscellaneous Subsidies	283,000
Support of Public Schools	$60,000,000
Total Public School Subsidies	**$65,684,127**
Education of Blind and Deaf	$ 1,150,000
RETIREMENT OF SCHOOL EMPLOYES	
Contingent Reserve Account	$ 2,450,000
Annuity Reserve Account No. 2	3,600,000
Former Teachers Account	250,000
Total Retirement of School Employes	**$ 6,300,000**
Total General Appropriation	**$79,077,677**
OTHER APPROPRIATION ACTS FOR EDUCATIONAL PURPOSES	
Act No. 315—Special Vocational Classes	$ 50,000
Act No. 86-A—Aid to Financially Handicapped School Districts	2,000,000
Act No. 70-A—Aid to Free Public Libraries	28,000
Act No. 547—Eye and Ear Tests of Pupils	25,000
Act No. 551—Maintenance of Ephrata Cloisters Park	10,000
Total Miscellaneous Appropriations	**$2,113,000**
UNIVERSITIES AND COLLEGES—STATE-AIDED (AND OTHER STATE-AIDED SCHOOLS)	
Pennsylvania State College	
Act No. 85-A—Maintenance (Land Grant Act)	$ 4,150,000

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937—CONTINUED

Act No. 84-A—School of Mineral Industries	100,000
Act No. 83-A—Engineering Research	25,000
University of Pennsylvania	
Act No. 82-A—Maintenance	1,485,000
Act No. 81-A—School of Animal Pathology	100,000
Act No. 80-A—University of Pittsburgh	1,188,000
Act No. 76-A—Lincoln University	50,000
Act No. 49-A—Women's Medical College	100,000
Act No. 79-A—Jefferson Medical College	125,000
Act No. 78-A—Hahnemann Medical College	110,000
Act No. 77-A—Temple University	900,000
Act No. 75-A—Philadelphia Museum	30,000
Act No. 74-A—Pennsylvania Museum and School of Industrial Art	90,000
Act No. 73-A—Moore Institute	20,000
Act No. 72-A—Downingtown Industrial and Agricultural School	60,000
Act No. 56-A—Pennsylvania Nautical School	100,000
Act No. 50-A—National Farm School	36,000
Act No. 71-A—Johnson Industrial School	22,500
Total—State Aid to Univ. and Colleges	**$ 8,691,500**
Grand Total	**$89,882,177**
Act 53-A—From Store Tax for Salaries in Fourth Class Districts	$ 3,000,000

III. ATTENDANCE, CENSUS AND EMPLOYMENT

ACT 322, June 4, S. 199 provides *inter alia* that no employer shall employ any female person for more than forty-four hours in any one week or eight hours in any one day or more than five and one-half days in any period of seven consecutive days, that no female person shall be permitted to work more than two hours overtime during any one day or more than the maximum number of hours per week as specified in this Act, and imposes a penalty upon the employer for violation thereof, with provision that one day of rest may be subdivided into two days of twelve hours each for employes in hotels, boarding houses and in charitable, educational and religious institutions at the discretion of the Department of Labor and Industry with the approval of the Industrial Board, that where the strict application of the schedule of hours provided for imposes an unnecessary hardship and violates the intent and purpose of this act, the Department of Labor and Industry with the approval of the Industrial Board may make, alter, amend, and repeal general rules and regulations prescribing variations from said schedule of hours, and that in any place of employment wherein owing to the character of the work it is difficult to fix the hours of employment weekly in advance, the Department of Labor and Industry, on application accompanied by evidence which satisfies it of the necessity thereof, may grant a permit dispensing with the schedule required in this section.

ACT 478, July 1, S. 158 amends sections 618, 1403, 1413, 1414, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1432, 1435, 1436, 1503, 1511 and 1601 of the School Laws of Pennsylvania. It provides that all school buildings built hereafter shall conform to the standards established by the State Council of Education, and a health room shall be included in each building of ten rooms or more; that admission of beginners shall be confined to a single admission period at the beginning of the school term unless otherwise provided by the school board, and all children who will be six years of age before February 1 shall be admitted during this period; that any child who is gravely retarded shall be examined by a psychologist and a recommendation made to the superintendent of schools and transportation may be furnished any physically or mentally handicapped child; that the compulsory school age shall be lowered to the age that the parent elects to send his child to school and raised to the age of seventeen years beginning with 1938-1939 and to eighteen years beginning with 1939-1940 with provision for exemption for certain children; that beginning with July 1, 1937, farm and domestic permits shall be granted only to minors who are at least fifteen years of age; that all children residing more than two miles from school in a district of the fourth class, or in a township which is a district of the third class, shall be furnished transportation beginning with the school year 1939-1940; that employers shall semi-annually on January 1 and July 1, furnish to the issuing official certain information regarding every child employed; that the enumeration shall include all children between the ages of six and eighteen years beginning with 1937 and illiterate children and alien residents shall be enumerated periodically beginning with 1938; that State reimbursement shall be made for home and school visitors; that compensation of attendance officers in school districts of the first class shall be according to the elementary teachers' salary schedule; that school districts of the fourth class may provide additional medical inspection; that money may be expended for the care and treatment of defective ears of pupils, and that beginning with the school year 1939-1940 every school in the State shall be kept open at least one hundred and eighty (180) days each year.

ACT 554, July 2, S. 892 provides that every attending or consulting physician, nurse, parent or guardian having charge of any minor under six years of age, who is totally deaf or whose hearing is impaired, shall report the case of such a minor to the State Department of Health; that the Department of Health shall refer the facts of the case to its county medical director who shall ascertain whether such minor is receiving adequate care and treatment and whether the parent or guardian is financially able to provide the same, and if adequate care is not provided he shall report the case to the medical inspector of the school district who shall provide such care and treatment at the expense of the school district or of the Commonwealth as the case may be, charged by law with the providing of medical inspection for the schools of such school district; that the care and treatment may be administered by the medical inspector or by some physician selected by him; that the Department of Health shall in every such instance notify the Superintendent of Public Instruction of its disposition of the case and when it is deemed desirable he shall communicate to the parent or guardian the location of any special schools or the nearest public school having special classes for the instruction of the deaf; and that an appropriation of twenty-five thousand dollars ($25,000) has been granted to the Department of Health for the purpose of paying for the care and treatment furnished by medical inspectors of school districts, or by physicians, under the jurisdiction of the Department of Health.

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937—CONTINUED

ACT 567, July 2, S. 1075 provides *inter alia* that no employer shall employ any person for more than forty-four hours in any one week or eight hours in any one day or more than five and one-half days in any period of seven consecutive days and imposes a penalty upon the employer for violation thereof, with provision that one day of rest may be subdivided into two days of twelve hours each for employes in hotels, boarding houses and in charitable, educational and religious institutions, at the discretion of the Department of Labor and Industry with the approval of the Industrial Board, that where the strict application of the schedule of hours provided for imposes an unnecessary hardship and violates the intent and purpose of this Act, the Department of Labor and Industry with the approval of the Industrial Board may make, alter, amend, and repeal general rules and regulations, prescribing variations from said schedule of hours and that in any place of employment wherein owing to the character of the work it is difficult to fix the hours of employment weekly in advance, the Department of Labor and Industry, on application accompanied by evidence which satisfies it of the necessity thereof, may grant a permit dispensing with the schedule required in this section.

IV. BUILDINGS AND GROUNDS

ACT 26, March 16, H. 805 provides that the specifications upon which contracts are entered into by school districts and other political subdivisions for the construction, alteration or repairs of any public work may at the option of such municipality contain the minimum wage which may be paid by the contractor or his subcontractor for work performed by laborers and mechanics employed on such work and such workmen shall be paid not less than such minimum wages. The Act provides the method for investigating violations of the minimum wage provisions and fixes penalties which penalties inure to the benefit of the political subdivisions.

ACT 88-A, July 2, H. 1153 makes an appropriation of $1,500,000 to the Department of Property and Supplies for repairs, alterations and additions to or replacements of existing buildings and equipment and to eliminate fire and other hazards to safety at state-owned Institutions.

ACT 178, May 18, S. 366 amends the General State Authority Act approved June 28, 1935 by providing for additional projects, removing the date before which projects must be commenced, removing certain restrictions against the construction of projects, making such authority perpetual and fixing the quorum by the Authority, providing for the leasing of projects by the Authority to the Commonwealth, clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling, assigning, mortgaging or otherwise disposing of any of the assets belonging to the Authority, and clarifying certain provisions of the Act.

ACT 263, May 28, H. 77 amends Section 2819 of the School Laws by requiring in all contracts hereafter entered into by any school district a clause stipulating that no person shall be employed to do work under such contract except those duly skilled in their respective branches of labor, and that they shall be paid not less than such current rate of wages for such hours of work as established by employers of organized labor in doing similar work in the district where the work is being done.

ACT 281, May 28, H. 1644 amends Sections 4701 to 4705 inclusive of the appendix to the School Laws regarding "Fire Drills" by extending the provisions of the Act to additional buildings, providing additional safety regulations and for the closing of certain buildings. The enforcement of this Act is vested in the Department of Labor and Industry.

ACT 329, June 4, H. 854, known as "The Municipal Emergency Procedure Act of 1937," simplifies the procedure for the construction and financing of public works projects by municipalities enabling them to make and perform contracts with Federal Agencies relating to the construction and financing of such projects and conferring additional powers upon municipalities. The provisions of this Act are in addition to and not in substitution for powers heretofore granted. The powers conferred by this Act shall be exercised before December 31, 1939.

ACT 347, June 5, S. 759 amends the Act of May 2, 1929 regulating the construction, equipment, maintenance, operation and inspection of boilers, extends the provision of the Act to certain boilers heretofore exempt therefrom and repeals existing laws. Does not make any change in regulations governing schools.

ACT 373, June 21, S. 776 provides, *inter alia,* that any contract for the erection, construction, alteration or repair of state-owned buildings involving an expenditure of more than $4,000 shall be under the complete supervision and responsibility of the Department of Property and Supplies. For determining the needs of these institutions with respect to maintenance, repairs, alterations and additions to buildings and grounds the Department of Property and Supplies shall make a survey and issue a report at least once every two years, and shall have authority to condemn structures no longer fit or safe to use. It shall also have authority, with approval of the Governor, to convey or lease State lands and buildings to the General State Authority for the erection, construction, alteration or repair of new or existing buildings.

ACT 569, July 2, S. 1298 makes an appropriation of $1,225,000 to the Department of Property and Supplies for eliminating fire and other hazards to safety and health at state-owned institutions, for increasing the capacity of state-owned institutions, and for extending sewage and other service lines beyond the grounds of the institution to points where proper connections can be made.

(See also Act 157 under VI, County Units)

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937—CONTINUED

V. BUSINESS AND FINANCE

ACT 4, February 23, S. 122 grants the right to cities of the first class to collect delinquent taxes due to such city or school district of such city from any public officer or employe whose compensation is paid from the moneys in the city treasury, by deducting from the salary of such officer or employe periodically an amount not in excess of twenty per centum of his salary payable at one payroll period, and providing the procedure therefor.

ACT 94-A, July 2, H. 2259 makes an appropriation of $30,000 to the Department of Labor and Industry to match any reallocation of Federal moneys made available to the states for the rehabilitation of the deaf and hard-of-hearing in addition to moneys appropriated for the rehabilitation of persons injured in industry. This additional appropriation is made in order to procure for such persons placement in industry and for the payment of the compensation and expenses of persons employed by the Department in such rehabilitation work.

ACT 105-A, July 2, S. 1048 makes an appropriation of $40,000 to the Department of Health for the use of the Land Grant College of Pennsylvania engaged by the Department for the purpose of advancing research in human nutrition for children. The Department of Health shall commission the institution and remain in an advisory capacity so as to benefit and be directed in its work by such findings as may ensue.

ACT 118, April 29, H. 1625 provides for and regulates joint purchases of materials, supplies or equipment by counties (other than counties of the first and second classes) and cities of the third class, boroughs, towns, townships, school districts and poor districts. Such purchases, when amounting to five hundred dollars or more, must be in writing after being advertised two weeks, and must be awarded at public letting on competitive bids.

ACT 142, May 7, S. 559 adds Section 1021 to Article X of the School Laws to require the Superintendent of Public Instruction to withhold from all school districts failing to file reports required by law all payments of State appropriaions due such districts until all reports required and due have been filed. It also makes it permissive for the Superintendent to withhold appropriations from school districts failing to comply with health and safety regulations.

ACT 192, May 20, H. 1467 amends Section 1607 of the School Laws by requiring each school district to make provisions whereby each year each pupil in the eighth grade shall be in possession of a copy of the National Flag Code and each teacher shall make use of the said Code as may from time to time seem proper.

ACT 239, May 26, S. 610 provides that Friday, September 17, 1937, the one hundred and fiftieth anniversary of the date on which the Constitution of the United States was adopted in this State, be declared a legal holiday throughout the Commonwealth of Pennsylvania.

ACT 243, May 27, H. 1360 amends Sections 2622 and 2626 of the School Laws by extending the time for taking appeals from auditors' reports filed in the court of common pleas of the proper county so that a period of forty-five days will be allowed instead of thirty days.

ACT 475, July 1, S. 1020 amends Section 2616 of the School Laws by providing that in all school districts where the accounts are audited by borough or township auditors, the auditors may employ an attorney. The Act establishes the limits of compensation for such purpose to be fixed by the auditors but paid by the school district.

ACT 476, July 1, H. 1331 requires that all persons claiming damages from any county, city, borough, town, township or school district, on account of the negligence of the district or any employe thereof, shall file a written notice within six months from the date of negligence complained of.

ACT 510, July 1, H. 2047 amends Section 2556 of the School Laws by providing that in third class cities deputies, clerks and assistants of city treasurers shall give fidelity bonds payable to the Commonwealth for the use of the city, county and school district conditioned on the faithful accounting and payment of all tax moneys received by them and that the cost of the premiums on the bonds of the city treasurer's deputies, clerks and assistants shall be paid in equal proportions by the city, county and the school district.

ACT 582, July 2, S. 943 authorizes cities, counties, school districts or other municipalities which shall have acquired a limited title to real estate and shall have used such real estate for a public purpose for not less than ten years, to acquire a fee simple title. The procedure for accomplishing the purpose of the Act is set forth therein.

ACT 601, July 2, S. 998 amends Sections 506, 507, 508, 518 and 1210 of the School Laws by providing that bonds may be issued to refund taxes decreed by an order of court; defines the method of calculating the net indebtedness of a school district and further provides that any temporary indebtedness incurred prior to July 1, 1937 may be funded through an issue of bonds; that the length of term of bond issues shall be reduced to twenty-five years; that all bonds issued in the future shall be serial bonds with payments beginning on same within three years and with payments thereafter in approximately equal annual instalments; that any amount of an old bond issue maturing in any year in excess of five per centum of the original amount of the bond issue may be refunded over a period of ten years; that the Superintendent of Public Instruction shall require in the annual report a statement of the amount of bonds or other obligations maturing each year and the payments on same and may, in certain cases, withhold the state appropriation when debts of school districts are not paid at the time of maturity; that a sinking fund shall be provided for each bond issue; that a temporary debt may be incurred in anticipation of proceeds of a bond issue already authorized; that the amount of temporary indebtedness incurred for current expenses and debt service shall be limited to the amount of any unpaid state appropriation and the taxes due and unpaid for the fiscal year, and any such temporary indebtedness outstanding at the end of the fiscal year shall become an obligation on the budget of the following year and such debt shall be paid in full by July 1 in school districts of the first class, and by November 1 in school districts of the second, third and fourth classes, of the following fiscal year; that any temporary indebtedness existing prior to July 1, 1937 may be paid within a period of three years; that the length of term of temporary loans for

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permanent improvements shall be extended to three years; that in case of an emergency, additional temporary loans may be incurred with the approval of the Superintendent of Public Instruction, and that payroll obligations shall be preferential claims on the current expense budget.

See also Act 547 under VII, Educational Institutions and Act 584 under XI, Tax Laws.

VI. COUNTY BOARDS, COUNTY SUPERINTENDENTS, COUNTY UNITS

ACT 157, May 13, H. 114 amends several sections of the School Laws as follows: (1) Section 108 requiring (a) existing districts in which no teachers have been employed prior to January 1, 1937 to merge in 1938 with other districts upon petition of county boards of school directors; (b) districts employing prior to January 1, 1937 for the school year 1936-37 ten teachers or less, to be merged on and after July 1, 1941 upon consent of the electors of the district. The Act exempts districts which, since January 1, 1937 and before July 1, 1937 have actually begun consolidation as union districts with the consent of the State Council of Education; (2) Section 563 by requiring in all districts under the direction of a county superintendent, that the county board of school directors shall inspect the annual budget and render such advice and assistance regarding the same as may seem proper before the said budget shall be signed and forwarded to the Department by the county superintendent; (3) Section 601 by requiring that in all school districts under the direction of a county superintendent all grounds and the plans for all buildings shall be approved only with the advice and consent of the county board of school directors; (4) Article VIII of the School Laws by adding several sections creating in each county a county board of school directors, determining its membership, terms and qualifications of members, provisions for election of officers, meetings, filling of vacancies, compensation of members, their powers and duties, *et cetera;* (5) Section 807 by providing that the county superintendent shall be the chief executive of the county board of school directors and defining his powers, duties and privileges; (6) Section 1404 by providing for transportation routes to be established by and with the advice and assistance of the county board of school directors. Where districts jointly use the same transportation facilities, the same shall be subject to approval of the county board of school directors who shall apportion the costs to the districts served; (7) Section 1418 in the same manner as Section 1404 as amended; (8) Section 2615 by requiring that auditors' reports shall be inspected by the county board of school directors and signed and forwarded by the county superintendent to the Department of Public Instruction.

ACT 485, July 1, H. 1765 restores the salaries formerly paid to assistant county superintendents but restricts the number to be chosen to the number now permitted. The Act also creates the office of County Supervisor of Special Education effective July 1, 1939. Each county having more than 550 teachers under the county superintendent is entitled to a full-time supervisor. Small counties are entitled to the services of a joint supervisor. The method of appointment, term of office, salaries and expense accounts and method of payments are the same as for assistant county superintendents. In order to be eligible for appointment the applicant must be certified to teach and also certified as a public school psychologist. It shall be the duty of each supervisor of special education to examine and investigate the abilities, disabilities, and needs of the exceptional children in the schools, to make recommendations concerning the instruction of such children, and to supervise such instruction. It shall also be his duty to make reports to the judge of the juvenile court upon request by such judge concerning any child who is a resident of a school district that is under the jurisdiction of the county superintendent of schools. It shall also be his duty to assist the county superintendent in the preparation, administration, and interpretation of examinations for promotion or graduation when so directed by the county superintendent. He must also make monthly reports to the county superintendent concerning the needs of individual pupils, together with needed recommendations. These provisions become effective July 1, 1939.

VII. EDUCATIONAL INSTITUTIONS

ACT 150, May 7, H. 565 prohibits the use of the designation "college" by any institution not conforming to the standards of a college prescribed by the State Council of Education. The Act does not apply to institutions in existence prior to the effective date of the Act.

ACT 269, May 28, H. 96 amends Section 2402 of the Administrative Code by adding a clause (k) which authorizes the Department of Property and Supplies, with the approval of the Board of Trustees having the management of State institutions, to grant a right-of-way or easement over the lands of such institution for public road purposes.

ACT 459, July 1, H. 1194 creates a Joint State Government Commission to make studies for the use of the legislative branch of government for the purpose of improving the administrative organization of the State Government, eliminating waste and overlapping of functions and effecting more scientific, equitable and economical financing of the government, and to make such other studies as may be deemed useful to the General Assembly. The Commission is given power to call upon any department or agency of the State Government for such information as it deems pertinent.

ACT 547, July 2, H. 2136 amends Section 1300 of the School Laws by requiring medical inspectors to use audiometers in making annual examinations of the hearing of school children; by requiring the State Teachers Colleges to provide instruction in the methods of examining ears and eyes; by authorizing the appointment of a specialist for ears and eyes and a supervisor of audiometric tests in the Department of Public Instruction. It appropriates $25,000 to cover the purchase and transportation of audiometers and the salaries and expenses of the specialists and supervisors.

ACT 596, July 2, S. 629 amends the non-profit corporation Act by extending the right to any non-profit corporation for religious and educational uses in addition to charitable uses, owning property dedicated to

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such purposes, to vest its property in trustees to escape liability for debts.

(See also the following Acts under IV, Buildings and Grounds: Act 26, Act 178, Act 263, Act 329, Act 373, Act 569.)

VIII. ELECTION LAWS

ACT 40, March 30, H. 603, the First Class City Permanent Registration Act. Section 17 (a) provides for use of space in a public school building for a place of registration, provided such use shall not interfere with instruction.

ACT 115, April 29, H. 1156, the Permanent Registration Act for Boroughs, Towns and Townships. Section 16 (d), contains a provision similar to Section 17 (a) of Act 40 above cited.

ACT 220, June 3, H. 1792, known as the Pennsylvania Election Code, in Section 305 (a) 1 provides that the county shall be liable for the expenses of holding special elections for any school district contained therein which are held on the day of any general municipal or primary election and on any special question printed on the regular ballot after the list of candidates or on the same voting machine as the list of candidates. Section 305 (a) 2 provides that when any special election is held by the school district on the question of increase of indebtedness or any other question requiring special ballots for such question, the school district shall be liable for the expenses incurred in the printing of such special ballots only when such special election is held on the day of any general municipal or primary election. Section 305 (a) 3 provides that if any day other than the day of any general municipal or primary election be fixed by the school district for the holding of a special election, the school district shall be liable for the entire expense of holding such election.

Section 913 (b) 4 provides that no filing fee shall be paid for a nomination petition for any public office for which no compensation is provided by law.

Section 976 provides that no nomination petition, nomination certificate or nomination paper shall be filed in the office of the Secretary of the Commonwealth if, in the case of nomination, if nomination petitions have been filed for printing the name of the same person for the same office, except the office of judge of a court of record, upon the official ballot of more than one political party, or in the case of nomination papers if the candidate named therein has been nominated for the same office by another political party or has been nominated for the same office by nomination papers previously filed.

Section 527 provides for use of school buildings as polling places provided such use does not interfere with the use of the school for the purpose for which it is primarily intended.

Section 531 provides that no compensation shall be paid in the case of school houses used as polling places.

ACT 226, May 26, H. 1642, the Permanent Registration Act for Cities of the Second Class. Section 17 (d) contains provisions similar to Section 17 (d) of the Permanent Registration Act for Cities of the Third Class.

ACT 227, May 25, S. 652, the Permanent Registration Act in cities of the third class Section 17 (d) provides that the board of public education or school directors shall furnish suitable space in any public school building under its jurisdiction or control as a place of registration on each day when such space is desired by the registration commission, provided such use will not interfere with instruction for the conduct of which such board shall be responsible.

ACT 292, June 1, H. 1769, the Permanent Registration Act for Cities of the Second Class A Section 17 (d) contains provisions similar to Section 17 (d) of the Permanent Registration Act for Cities of the Third Class.

IX. HISTORICAL COMMISSION

ACT 226, May 28, H. 1775 amends clause (g) of Section 1309 (P.L. 177) to read as follows: To receive for and on behalf of the Commonwealth gifts or bequests of relics or other articles of historical interest which shall be deposited in the State Museum *or at the discretion of the Pennsylvania Historical Commission in or on historic properties or shrines committed to its custody.*

ACT 239, May 26, S. 610 provides for the creation of a legal holiday on September 17, 1937 to be known and observed as "Constitution Day." (See 150th Anniversary Bill, S. 860.)

ACT 271, May 28, H. 1184 authorizes the Pennsylvania Historical Commission to acquire by gift 7,224 acres of land in Tinicum Township to be known as "Governor Printz Park."

ACT 295, June 2, S. 560 makes an allocation of $10,000 to the Department of Property and Supplies for the acquisition of the Daniel Boone Homestead and for its management and development by the Pennsylvania Historical Commission.

ACT 473, July 1, H. 1049 provides for the creation of a legal holiday on April 8, 1938, to be known and observed as "Forefathers Day." (See also 300th Anniversary Bill, S. 855.)

ACT 542, July 2, S. 855 makes an allocation of $40,000 to the "Governor directly or through such agency as he may designate," for the planning and administration of the celebration of the 300th Anniversary of the Earliest Settlement in Pennsylvania.

ACT 543, July 2, S. 860 makes an allocation of $100,000 to the "Governor directly or through such agency as he may designate" for the planning and administration of the celebration of the 150th Anniversary of the United States Constitution.

ACT 551, July 2, H. 1615 authorizes the acquisition of the Ephrata Cloisters by the Department of Property and Supplies; the property after such acquisition shall be controlled, managed and supervised by the Pennsyl-

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vania Historical Commission. The Act allocates $15,000 to the Department of Property and Supplies to pay for the lands acquired under this Act, and $10,000 to the Pennsylvania Historical Commission for maintenance.

(See also II, Appropriation Acts.)

X. LIBRARIES

ACT 70-A, July 1, H. 1132 makes an appropriation of $28,000 to the Department of Public Instruction for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

XI. TAX LAWS

ACT 1, February 2, H. 92 amends the Act of April 9, 1929, P. L. 343, known as the Fiscal Code, so as to require the State tax of four mills on scrip bonds, certificates, and evidence of indebtedness of school districts to be paid at the time of the filing of the tax report, which is on or before the fifteenth day of March.

ACT 36, March 24, H. 235 authorizes the adjournment and re-adjournment of any county treasurer's sale of seated and unseated lands, to be held in the years 1937 and 1938, if the county commissioners have petitioned the Court of Common Pleas and the Court has approved such adjournment or re-adjournment. In no event shall such adjournment or re-adjournment be beyond the first day of May, 1939. Where any such tax sale is so adjourned or re-adjourned after advertisement, no additional advertisement or notice shall be necessary.

This Act also preserves liens on account of delinquent taxes, penalties and interests in cases where any county treasurer has, prior to the effective date of this Act, on his own initiative or with the consent and approval of the county commissioners and court, or both, or previous to any action of the General Assembly, or previous to an order or decree of any court, adjourned or re-adjourned, or failed to adjourn or re-adjourn, any tax sale at the time fixed for the sale, or for any of the aforesaid reasons has failed to advertise or hold any tax sale.

ACT 60, April 8, H. 1048 provides, *inter alia, that* every bank or savings institution having capital stock shall submit an annual report to the Department of Revenue, that the Department of Revenue shall assess the shares of such capital stock and that the part of the capital and the profits of any such bank or savings institution as shall not be invested in real estate shall be exempt from local taxation and such institution shall not be required to make any report to the local assessor or county commissioners of such personal property for purposes of taxation and shall not be required to pay any tax thereon.

ACT 83, April 14, H. 476 provides for the abatement of all penalties and interest imposed on delinquent taxes assessed on real estate for the year 1934 and for all previous years, and for the abatement of all penalties imposed on delinquent taxes assessed on real estate for the years 1935 and 1936 except in school districts of the first class, provided the delinquent taxes are paid in accordance with the provisions of the Act. In order to receive the benefits of the installment system of payment provided, twenty per centum of the delinquent taxes due for the tax year 1936 and for all previous years and all accrued interest due on the 1935 and 1936 taxes shall be paid on or before the first day of November, 1937, and twenty per centum of the total on or before November 1 of each succeeding year until the final twenty per centum shall have been paid on or before November 1, 1941, and provided that the respective current taxes on such parcel or parcels of real estate for years subsequent to 1937 during the installment period shall be paid before they become delinquent. The benefits of the abatements provided for in the Act may also be obtained by paying the delinquent taxes for 1936 and previous years and accrued interest on taxes for 1935 and 1936 in full on or before November 1, 1937. This Act shall be construed to apply to all such taxes whether or not liens for such taxes have been returned for non-payment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court.

ACT 84, April 14, H. 679 authorizes the abatement of all interest charges, expenses, and fees added to any or all delinquent city, county, borough, town, township, school district, or poor district, claims imposed or assessed on any parcel or parcels of real estate in 1935 and all previous years arising out of or resulting from a service supplied, work done, or improvement authorized and undertaken by any such political sub-division or filed to recover for the grading, guttering, macadamizing, or otherwise improving the cartways of any public highway, for grading, curbing, re-curbing paving, repaving, contracting, or repairing the footways thereof, for laying water pipes, gas pipes, culverts, sewers, branch sewers, or sewer connections therein, for assessments for benefits in the opening, widening, or vacation thereof, or in the changing of water-courses, etc., if the delinquent claims are paid in accordance with the provisions of the Act.

ACT 89, April 21, S. 316 provides that any political sub-division of this Commonwealth, including school districts, shall have the right to collect delinquent taxes due to such political sub-division by any public officer and employe whose compensation is paid from money in the treasury of the political sub-division, by deducting from the salary or compensation of such officer or employe, semi-monthly or periodically, an amount not in excess of twenty per centum of the amount of any current salary or compensation due such officer or employe as shown by the payroll from which such deduction is made in accordance with the provisions of the Act.

ACT 213, May 21, H. 1297 authorizes the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, township, school district, or poor district, at any sale for the non-payment of taxes, after the period of redemption has expired, subject to the approval of the Court of Common Pleas. It permits the political sub-divisions to sell at private sale after the period for redemption has passed, any real property purchased at a tax sale and in effecting such sale, to accept a sum less than the amount of the taxes, penalties, and interests due, subject to approval upon petition of the Court of Common Pleas.

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ACT 225, May 25, H. 234 re-enacts the Act approved May 18, 1933, P. L. 826 authorizing the Courts of Common Pleas to stay writs of execution against any tax sales of real property from time to time and for such periods as the Court may deem proper where the immediate execution of the sale would work serious inequity. The Act became effective immediately upon approval by the Governor and continues in force until March 31, 1939. The provisions of this Act do not apply to the foreclosure of mortgage insurance under Title II of an Act of Congress entitled, "A National Housing Act," approved the twenty-seventh day of June, 1934.

ACT 234, May 26, H. 1303 abates all penalties, interests, and costs imposed but not actually paid out on delinquent city and school district taxes for the tax year 1934 and for all previous years, and abates all the penalties and costs imposed but not actually paid out for such taxes for the tax year 1935 on any parcel or parcels of real estate in cities of the first class and in school districts of the first class if the following conditions are complied with: (a) That all said delinquent taxes are paid in four equal installments as follows: One-fourth on or before the first day of November, 1937; one-fourth on or before the first day of November, 1938; one-fourth on or before the first day of May, 1939, and the final one-fourth on or before the first day of November, 1939. (b) The respective current taxes for the year during such installment periods shall be paid before they become delinquent.

Any taxpayer may at any time during the installment period, pay the balance due on the said delinquent taxes provided for in this Act, provided at the time such payment is made the conditions of Section A have been complied with, and further provided that the taxes for the then current year have been paid.

ACT 245, May 27, H. 1113 provides that whenever any tax collector or receiver of taxes of a school district or other political sub-division shall have failed or neglected to make returns to the county commissioners of taxes assessed and levied against seated lands for the years 1929, 1930, 1931, 1932, 1933, 1934, or 1935 within the time required by law, such tax collector or receiver may legally and validly make returns of such taxes in the manner provided by law at any time within six months after the Act was approved.

ACT 264, May 28, H. 666 authorizes school districts and other municipalities (a) to sue out writs of *scire facias* on tax claims filed but not reduced to judgment within five years after filing, or (b) where a tax claim has not been filed within a period of five years, to file a suggestion of non-payment or an averment of default, or (c) where a tax claim has been reduced to judgment but not revived within five years after entry of judgment or after the last revival of such judgment, to revive same. The issuance of such *scire facias* to reduce to judgment or to revive judgment or the filing of suggestion of non-payment or default must be done within six months after the effective date of this Act. The Act provides, however, that the liens of such claims or judgments shall not attach against real estate transferred to any purchaser during the time that the lien or claim was lost nor shall the lien or claim impair or affect the lien of any mortgage or other prior lien entered during the time the lien of said claim or judgment was lost.

ACT 299, June 2, S. 1044 authorizes the Court of Common Pleas to stay writs of execution against and tax sales of certain real property. The provisions of this Act are practically the same as those included in Act 225, previously reviewed.

ACT 311, June 2, H. 1265 further amends Section 1 of the Act of May 8, 1929, P. L. 1656, entitled, "An Act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," by extending the said Act to all political sub-divisions, which would include school districts.

ACT 335, June 4, H. 697 specifies that if a tax collector has not collected taxes for which he has become personally liable before the expiration of bonds, the expiration of the authority specified in his warrant, or the expiration of his term of office, the time during which such taxes may be collected shall be extended for a period of two years from the passage of the Act and the taxes may be collected by the tax collector, his executors, his administrators, or his surety.

ACT 344, June 5, H. 228 imposes an annual license tax for the privilege of operating, maintaining, or controlling a store or stores, and a theatre or theatres. The Act provides that all taxes and fines received shall be paid into the State Treasury and credited to the State School Fund, except the amount appropriated to the Department of Revenue for the expense of administering the Act.

ACT 364, June 5, H. 1628 amends Section 801 of the Act of June 24, 1931, P. L. 1206, by limiting the requirements of bonds of the treasurer of a township of the third class, who is also tax collector of township, county, poor, and school taxes, to fidelity bonds. It specifies that the treasurer shall be required to give but one bond which shall cover his various duties and shall cover the full term of his office. However, should the township, county, school district, or poor district be of the opinion at any time that the bond given is not sufficient, additional surety may be required to be given but the treasurer shall not be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him.

ACT 480, July 1, S. 222 amends Sections 559 and 562 of the School Laws so that when a collector of school taxes has been or shall be exonerated from the collection of certain taxes, such action by the board of directors does not in any way have the effect of discharging or limiting the liability of the taxable, but all methods of enforcing the collection of taxes shall continue as though no exception had been made, and provides that the board of school directors in such districts may annually on or before the first Monday of July in each year appoint one or more suitable persons as delinquent tax collectors. Such delinquent tax collector shall, upon the certification over to him of such taxes remaining unpaid, proceed to collect the same, for which purpose he shall have all the authority and power now vested by law in any collector of school taxes. The board of school directors issuing the original warrant shall issue an additional warrant to the collector of delinquent taxes. Collectors of delinquent taxes shall give bond in the same manner as required for the original tax collector, and shall be paid such compensation as is paid to the regular collector.

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ACT 493, July 1, S. 785 authorizes any school district or other political sub-division except cities of the first class, before approving or paying the claim or account of any person against such political sub-division, to inquire of the receiver of taxes whether such person is indebted to it for or on account of any delinquent taxes, and in case it is found that such person is so indebted to the political sub-division, the approval and payment of such claim in whole or in part shall be withheld until such person shall have entered into an agreement with the political sub-division to assure the payment of delinquent taxes by the person having claims or accounts against the political sub-division.

ACT 522, July 1, H. 2401 validates certain sheriffs' sales of real estate and the title to such real estate in the hands of purchasers, their heirs, grantees, and assigns notwithstanding failures of the sheriff to require an upset bid sufficient to cover all taxes.

ACT 559, July 2, H. 1462 provides that where taxes on seated lands for the tax year 1934 or any previous year have been returned to the county commissioners and such taxes have not been paid in full and no sales for such taxes have been held, all such taxes so returned shall be liens on the real estate upon which they were liens at the time of such returns for a period of five years from the effective date of this Act, provided that any such lien be filed in the office of the prothonotary of the proper county within one year after the effective date of the Act, and thereafter the revival, preservation, and enforcement of the lien shall be governed by the provisions of the Act of May 16, 1923, P. L. 207. The Act further provides that whenever taxes for the tax year 1934 or any previous year have been heretofore returned to the county commissioners and the lien of such taxes still unpaid has been lost, or the right of the treasurer to sell the real estate upon which such taxes were liens, has expired by reason of the failure of the county treasurer to revive such lien by filing the same in the office of the prothonotary or to adjourn or re-adjourn any tax sale or to advertise or give notice of any sale or any adjournment or of any re-adjournment of sale or to secure the consent of the county commissioners or of the court to such adjournment or re-adjournment, the lien of any such taxes is hereby revived and the right of the treasurer's sale thereon is restored, and such lien shall continue for a period of five years from the effective date of the Act, provided that any such lien be filed in the office of the prothonotary within one year after the effective date of the Act, and, thereafter, the revival, preservation, and enforcement shall be governed by the provisions of the Act of May 16, 1923, P. L. 207.

ACT 580, July 2, H. 756 amends Section 1 of the Act of June 13, 1883, P. L. 89, entitled "An Act granting authority to the Court of Common Pleas to issue writs to stay waste upon lands sold for taxes during the time provided for redemption" so as to extend the provisions thereof to seated lands sold by county treasurers and to lands sold at sheriff's sale under tax or municipal claims. It defines the term "waste" as used in the Act to mean and include the spoil or destruction done or permitted to lands, houses, gardens, trees, or other corporeal hereditaments, including the quarrying and mining of coal or other minerals, whether in new or existing quarries or mines, and all such other acts as will do lasting injury to the premises.

ACT 581, July 2, H. 1921 amends Sections 4 and 5 of the Act of April 26, 1935, P. L. 90, applying to assessment and collection of taxes in cities of the second class A and school districts within such territorial limits, so as to provide a discount of two per centum if the tax is paid on or before the 30th day of April, collection at face if paid during the months of May and June, and providing for a penalty of two per centum up to July 31, and in addition thereto interest on the face amount of the delinquent taxes at the rate of one and one-half per centum per month or any part thereof that the taxes may be delinquent after the 31st day of July. It further provides that the tax statement shall be mailed to the tax collector not later than the first day of April, and provides for installment payment of taxes.

ACT 584, July 2, S. 1315 requires that each collector of city, county, borough, town, township, school, and poor district taxes shall within sixty days after the close of each calendar year, file with the State Department of Internal Affairs and with the clerk of the Court of Quarter Sessions, a report verified by oath showing for each political sub-division whose taxes he has collected, the number of taxables against whom such taxes have been levied, the total amount of taxes of the various types appearing on the tax duplicate or duplicates, the amount of taxes of the various types collected showing which were current and which delinquent. If such tax collector also serves as treasurer of any of the political sub-divisions, the amount of money handled by him as treasurer, the salary, if any, received as collector of taxes, and the salary received as treasurer, the percentage, if any, of the commission received as compensation for collecting such taxes or acting as treasurer, are to be included in the report. An itemized list of expenses incident to the collection of the taxes or to his services as treasurer shall be included. The report is to be filed on a form prepared and furnished by the Department of Internal Affairs. The law requires that all payments made to the collector for his services or expenses shall be made by a proper warrant or order drawn by the treasurer, and that it shall be unlawful for any tax collector to deduct his compensation or expenses as tax collector from the school funds in his hands.

XII. TEACHERS

ACT 6, February 24, H. 110 amends Section 2104 of the School Laws by increasing pay of teachers for attending meetings called by the county superintendent from one to two dollars for each one-half day of attendance not to exceed a total of eight dollars ($8.00) per teacher.

ACT 52, April 6, S. 369 amends Section 1201, 1205, 1205-A, 1214 and 1215 of the School Laws and repeals Sections 1204 and 1208. It designates as "professional employes" teachers, supervisors, and supervising principals, principals, directors of vocational education, dental hygienists, visiting teachers, school secretaries the selection of whom is on the basis of merit as determined by

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eligibility lists, school nurses who are certified as teachers and any regular full-time employe of a school district who is duly certified as a teacher.

It provides that no contract in effect on the date when the Act was approved shall be terminated except in accordance with the procedure set forth in detail in the Act; that all employes under contract shall be given new contracts, the contents of which are set forth in detail in the Act; that any employe who has been dismissed may appeal from the decision of the board and may demand a *de novo* hearing before the Court of Common Pleas; that there shall be no involuntary demotion of any professional employe except as a result of a hearing; and that none of the provisions of the Act may be waived either orally or in writing.

ACT 102, April 22, S. 98 amends Section 5614 of the School Laws. It provides that any person past 62 years of age who was a teacher, principal, supervising principal or superintendent in the public schools of Pennsylvania for at least twenty years, who separated from school service for any reason prior to July 1, 1919 and who was not thereafter engaged in school services except temporarily for not more than one whole year shall be entitled to a State compensation equal to one-eightieth of his or her final salary for each year of school service but not less than twenty dollars per month with the understanding that such former teacher shall agree in writing to hold himself or herself ready to advise and counsel with school officials and teachers and perform other specified duties.

ACT 179, May 18, H. 1651 amends the State Employes' Retirement Act as distinguished from the Public School Employes' Retirement Act. It provides that employes of the Delaware River Joint Commission and officers and employes of any separate independent public corporation created by act of assembly, not including any municipal or quasi-municipal corporation, may under specified conditions become members of the State Employes' Retirement Association provided such public corporation shall contribute the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes; that a person who became an original member between January 1, 1925 and December 31, 1935 shall anticipate in full all "back" contributions prior to the time of retirement or if not so anticipated the annuity of such a member shall be based on the total accumulated deductions to his credit and the State annuity shall be reduced proportionately; that a similar reduction in the annuity shall be made in the case of a new member who shall not have anticipated all deductions prior to retirement; that each new State employe shall become a member of the State Employes' Retirement Association not more than six months after such employment; that the State Employes' Retirement Board shall be transferred to the State Treasury Department; that the State Treasurer shall be the chairman of the Board which shall have as its other members the Secretary of the Commonwealth, one person appointed by the Governor and two persons elected by members of the Association from among their number; that the State Treasurer shall appoint the necessary employes and fix their salaries; that the Board shall certify biennially the amount of appropriation that shall be made by the Commonwealth and other agencies; that the General Fund of the Commonwealth shall not be liable for amounts that shall be due from such agencies or special operating funds; that if such agencies do not make the necessary appropriations the accounts of their employes who are members of the Association shall be adjusted accordingly without having the employes lose their membership entirely; that the State Employes' Retirement Fund may include money appropriated and paid by the other agencies designated in the Act; that except as specified every person becoming a member after the effective date of this amended Act shall be required to contribute such a percentage of salary as shall procure on superannuation retirement a member's annuity equal to one one-hundredth of the final salary of each year of service; that after the effective date of the Act each person who becomes eligible for superannuation retirement shall continue to make contributions as long as he or she remains in State service; that those employes of superannuation retirement age at present who have ceased to make contributions may resume the payment of such contributions and may pay into the fund the amounts that would have been due had they not elected to cease making such contributions; that any member may complete a transfer from the one one-hundred-sixtieth class to the one one-hundredth class on or before December 31, 1937; that a State employe who separates from service without retiring and who returns to such service within ten years may, by restoring accumulated deductions as they were at the time of separation, be restored as a member of the Association; that a member shall be eligible to receive a retirement allowance as specified should he retire voluntarily after completing twenty-five years of total service even though he may not have reached superannuation retirement age; that a disability retirement allowance shall be payable under specified circumstances to a member who retires because of disability after completing five or more years of service; that if a disability annuitant should die before receiving an amount equal at least to the accumulated deductions at the time of disability retirement the difference between the accumulated deductions and the allowance received shall be paid to the named beneficiary, to the annuitant's estate, or if said difference is less than one hundred dollars it may be paid under specified circumstances to the undertaker; that a person of superannuation retirement age shall be eligible to receive a superannuation retirement allowance by having the necessary application filed in the offices of the Board or deposited in the United States mail addressed to the Board before the date of retirement specified in the application and before the death of the contributor provided such date is not more than thirty days from the date of filing or mailing the application; that if a superannuation retirement allowance amount to less than ten dollars per month the contributor may elect to receive the amount payable in one of several specified ways; that with the exception of the State Treasurer who shall become the new chairman of the Board on June 1 or as soon thereafter as the Act is approved the members, officers, and employes of the Board shall continue in their present capacities until removed or appointed to other positions; and that the Act shall become effective upon final enactment.

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937—CONTINUED

ACT 314, June 2, H. 1354 amends Section 2223 of the School Laws. It authorizes the board of education in a school district of the first class to pay a limited additional retirement allowance to a superintendent of schools of the district retiring in accordance with legal provisions who has been employed in the public schools of the Commonwealth fifteen years or more in addition to service in other public schools in the United States, and also to pay a limited additional retirement allowance to a superintendent of buildings of the district, retired because of disability, who has been employed in the public schools of the Commonwealth thirty years or more but who is under the superannuation retirement age.

ACT 345, June 5, H. 1978 supplements Section 1210 of the School Laws by establishing a new schedule for salaries of teachers in school districts of the fourth class, as follows: Minimum annual salary for elementary teachers, $1,000 with four annual increments of $50.00 each; minimum annual salary for secondary teachers, $1,170 with four annual increments of $100.00 each. The Act contains a proviso specifying that its provisions shall not be effective if the Store Tax (Act No. 344) is declared to be unconstitutional.

ACT 479, July 1, S. 1041 amends Section 1202 of the School Laws by requiring that all teachers must be citizens of the United States provided that such requirement may be waived in the case of exchange teachers not permanently employed and in the case of teachers employed for the purpose of teaching foreign languages.

ACT 481, July 1, S. 606 provides for sabbatical leave for teachers. The provisions of the Act are effective September 1, 1937. It is to be noted that this law does not carry with it blanket authorization for the granting of a leave of absence to all teachers but restricts eligibility to those who have taught in the public schools of this Commonwealth for ten years or more. Those who have taught for a period of at least ten years are entitled to receive their first sabbatical leave and at each subsequent period of seven years they are entitled to receive another sabbatical leave. The period of the leave of absence may be either one semester or one full school year, at the option of the teacher.

ACT 486, July 1, H. 1055 amends Clause 23 of Section 1210 of the School Laws by authorizing the Superintendent of Public Instruction to refuse to release after July 1, 1938, payment of any appropriation due from the Commonwealth to any district hereafter failing or refusing to pay to the members of its teaching and supervisory staff the full rate of salary to which they are now entitled by law.

ACT 487, July 1, H. 1575 amends Section 5618 of the School Laws by authorizing a member entitled to any benefits or rights accruing under the provisions of the Public School Employes' Retirement Act to assign such rights as security for a loan not to exceed $300.00 obtained at a lawful interest rate from an organization or credit union whose officers are certified as teachers.

ACT 488, July 1, S. 1208 amends Section 5612 of the School Laws. It specifies that an employe who separated from school service prior to July 1, 1925, and who returned to service prior to July 1, 1934, after more than five years' absence shall at retirement for superannuation be entitled to full credit for each year of service in the public schools of Pennsylvania, provided he or she shall have been in service in these schools not less than twenty years and shall have restored to the School Employes' Retirement Fund the accumulated deductions as they were at the time of separation.

ACT 568, July 2, S. 1260 amends Section 1436 of the School Laws by providing that the minimum salaries of attendance officers and home and school visitors shall be paid by districts of the first class in accordance with the following schedule: Attendance officers and home and school visitors in elementary schools a minimum annual salary of one thousand, two hundred dollars ($1,200), a minimum annual increment of one hundred dollars ($100), minimum number of increments, ten (10) and that no such school district of the first class shall after the enactment of this Act reduce the compensation of any attendance officers below that paid on the effective date of this Act.

XIII. TRANSPORTATION

Act 79, April 13, H. 537 amends Section 411 of the School Laws, so as to permit the board of school directors to authorize the transportation of pupils to the State Farm Show and to other exhibitions and places of interest when their attendance at the same is deemed of educational value to such pupils, and to pay the expenses of such pupils in whole or in part from the funds of the district.

ACT 286, May 28, H. 851, the new Public Utility Act, requires that carriers by motor vehicle who transport school children to and from school under contracts with school boards, are subject to the jurisdiction of the Commission and must secure its approval before having the lawful right to furnish such service.

Any carrier of this character who was furnishing similar service under contract during the school year just ended in the same general area may apply for Commission approval of that service as a contract carrier under the 'Grandfather' clause of the Act, which provides that he may continue his business until the Commission disposes of his application, provided the latter is filed within 120 days from the effective date of the Act. If not filed within that time he must discontinue his service.

If the carrier, in addition to the contract work, furnishes other service for hire including transportation of groups of school children and friends on trips related to school activities such as basketball games, music festivals, etc., such a carrier must apply for a common carrier's certificate and will be required to establish, at formal hearing, evidence of public necessity for the transportation not included in his school contract. Since the Commission will probably not be able to finally dispose of all applications of the latter character before the beginning of the school year, the applicant should request preliminary and temporary approval of his school contract service so that he may engage in that necessary work at the beginning of the school year and prior to final disposition of his application.

Blank forms of applications of both types will be fur-

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937—CONTINUED

nished all carriers upon request. A filing fee of $10.00 is required with each application.

If the applicant secures a common carrier's certificate he will no longer be permitted to register his motor vehicle in the commercial classification, but only as an omnibus. This will require, in many cases, a considerably larger fee. Complete information with respect thereto may be obtained from the Bureau of Motor Vehicles as it is based upon seating capacity of the vehicle.

ACT 447, June 29, H. 1984 amends the Vehicle Code and contains the following requirements applicable to school buses: (1) Body shall be of all metal construction of closed type; shall have one compartment; (2) Exhaust system shall be so constructed that exhaust gases will be kept out of the body of the school bus; (3) There shall be an entrance door of the "jack-knife" or "Safety split" type, at least twenty-four inches wide, to the right of the driver and under the control of the operator; (4) There shall be an emergency exit door at least twenty-two inches wide on the rear or on the left side near the rear, which may be quickly released, this door to be labeled "Emergency Door" both inside and outside in letters at least three inches high; (5) Rear windows must be stationary, side windows must slide up and down and be protected by a guard to a sufficient height to prevent the extension of hands of children while seated; (6) There shall be a minimum lineal seating space of twelve inches provided for each elementary pupil and fourteen inches for each high school child; all cross aisles shall have a width of at least twelve inches; all longitudinal aisles between facing seats must be not less than eighteen inches; all seats shall have spring cushions; all back rests shall be well padded; all seats and back rests shall be securely fastened to the bus body; (7) Every school bus shall be orange in color and shall be labeled "School Bus" both front and rear in black letters not less than six inches in height; (8) Every school bus shall be equipped with a fire extinguisher placed within reach of the operator.

ACT 483, July 1, H. 793 amends Sections 1404, 1406, 1408, and 1418 of the School Laws. It provides that all vehicles purchased or placed in use for transportation of pupils after July 1, 1937, whether owned or hired by the school district, shall conform to standards prescribed by the State Council of Education, which standards, when promulgated by the State Council, may be revised not oftener than once each year. It sets up, effective July, 1939, new schedules of reimbursement on account of transportation to districts entitled to receive the same, as follows: To a district which has a true valuation per teacher of $25,000 or less 90%; more than $25,000 but not more than $50,000, 80%; more than $50,000 but not more than $75,000, 75%; more than $75,000 but not more than $100,000, 70%; more than $100,000 but not more than $150,000, 65%; more than $150,000 but not more than $200,000, 60%; more than $200,000 but not more than $250,000, 55%; more than $250,000, 50%. It also increases, effective July, 1939, the maximum allowance for depreciation and repairs to not more than $200 per vehicle per year, and increases, effective July, 1939, the maximum reimbursement which any district may receive to $8,000 per year. The State Council of Education may, for causes specified by it, direct the withholding of such reimbursement in any given case permanently or until the school district has complied with the law or regulations of the State Council of Education. The Act requires that all private motor vehicles employed in transporting pupils for hire shall be adequately covered by public liability insurance in such amount as the board of school directors shall require. Effective July, 1939, it would remove the present exemptions from the Compulsory Attendance Law of pupils residing two miles or more from a school, and would require the transportation of such pupils in districts of the fourth class and in townships which are districts of the third class. The State will pay a share of the approved cost of such transportation. When it is not feasible to provide such transportation, the board of school directors may in lieu thereof pay for suitable board and lodging for any such child. It also provides that it shall be unlawful for any driver or owner of a vehicle transporting pupils under contract with a school district or for any member of or board of school directors to demand, request, or accept any compensation for transporting pupils other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction.

ACT 484, July 1, S. 638 amends Section 4 of the Act approved June 18, 1919, P. L. 498, entitled, "An Act defining the consolidation of schools, providing for the establishment and regulation of consolidated schools, and providing for the transportation of pupils to and from consolidated schools." Effective July, 1939, it provides the same schedules of reimbursement to school districts transporting pupils to approved consolidated schools as are provided in Act 483. It also provides that it shall be unlawful for any driver or owner of a vehicle transporting pupils under contract with a school district or for any member of or board of school directors to demand, request, or accept any compensation for transporting pupils other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction.

XIV. TUITION

ACT 141, May 7, S. 558 amends Section 1711A of the School Laws so that after the first day of July, 1939, reimbursement will be paid to school districts by the Commonwealth on account of high school tuition which the districts are required to pay, on the basis of the following schedule: To a school district which has a true valuation of not more than $25,000 per teacher, 60% of the expenditure for high school tuition; more than $25,000 but not more than $50,000, 55%; more than $50,000 but not more than $75,000, 50%; more than $75,000 but not more than $100,000, 45%; more than $100,000 but not more than $150,000, 40%; more than $150,000 but not more than $200,000, 35%; more than $200,000 but not more than $250,000, 30%.

ACT 151, May 7, H. 1766 provides that beginning with the school year 1937-1938 there shall be included in the cost of tuition under "Textbooks" the cost of textbooks and library books furnished to school libraries, and under "Supplies" the cost of repair and replacement of typewriters and school apparatus and such supplies as are designated school supplies of the second class by Section 706 of the School Laws.

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937—CONTINUED

XV. VALIDATION ACTS

ACT 30, March 16, H. 532 validates all proceedings and elections had and held by any school district or municipality to increase its indebtedness where the majority of votes cast at such election was in favor of the increase of indebtedness, notwithstanding such election was held within ninety days after the general election, notwithstanding the date of the ordinance or vote deciding such increase was within ninety days after the general election, notwithstanding any defect or informality in the manner of holding, mode of conducting or giving notice of such election or in the form of the ballot, notwithstanding that the polls at such election were not open full twelve hours, notwithstanding any error of orthography or of numerical statement on any or all of the ballots, and notwithstanding any defects in public notices printed for the sale of such bonds. The provisions of this Act shall not apply in any instance where such bonds have been made the subject of litigation in any court.

ACT 38, March 30, S. 231 validates contracts heretofore made for the purchase of labor, materials and supplies authorized under the provisions of the school laws and actually received, where there is no evidence of fraud or conspiracy to violate the laws of the Commonwealth, and where the school district has suffered no pecuniary loss, notwithstanding the fact that there was a failure to advertise for bids or a defect in said advertisement or any other failure or omission to comply with the school laws regulating the award of such contracts.

ACT 318, June 3, S. 1086 is exactly the same as Act 30, H. 532.

ACT 319, June 3, S. 1133 is the same as Act 30, H. 532, with this addition: "notwithstanding that any ordinance in connection with the holding of such election was not advertised for the period required by law before the same became effective."

ACT 332, June 4, H. 853 validates bonds, certificates of indebtedness, notes or other obligations issued by any school district or municipality for the purpose of financing any project to which any loan or grant has been heretofore made by the United States of America through the Federal Emergency Administrator of Public Works, notwithstanding any lack of power to authorize and issue such obligations or to sell, execute or deliver the same, and notwithstanding any defects or irregularities in such proceedings or in such sale, execution or delivery. This Act does not validate any obligations or debts incurred in violation of the Constitution.

ACT 482, July 1, H. 1238 validates temporary debts incurred under Section 508 of the School Laws, notwithstanding that the certificates of indebtedness or other obligations were not issued under the seal of the district, or were not properly attested by the president and secretary of the school board, or the motion to incur such indebtedness did not receive the affirmative vote of two-thirds of the members of the board of school directors, or the school district had not provided for the payment of the loan from its current revenue; provided that the auditors' report shows that the proceeds of such certificates of indebtedness or obligations were received by the school district and credited to its account, and that such certificates of indebtedness or obligations were signed by at least two officers of the school board; and the amount of the indebtedness of such school district, including such debt or money borrowed, did not constitute two per centum of the total valuation of taxable property of such school district for school purposes, and that in all other respects the requirements of Section 508 were met.

ACT 522, July 1, H. 2401 validates certain sheriffs' sales of real estate and the title to such real estate in the hands of purchasers, their heirs, grantees, and assigns, notwithstanding failure of the sheriff to require an upset bid sufficient to cover all taxes.

XVI. VOCATIONAL EDUCATION

ACT 154, May 7, H. 1125 redefines extension education by adding recreational and social service to instructional service; extends the scope of extension education by including "activities" in the course of study; lowers from twenty to fifteen the number of applicants required for the mandatory establishment of a free extension class; adds parent education to the list of extension courses; clarifies the position of extension education by making it an integral part of the public schools; requires the State Council of Education to adopt standards for the certification of extension leaders.

ACT 274, May 28, H. 1559 provides the necessary legal procedure for accepting the provisions of the George-Deen Vocational Education Act, a new Federal law effective January 1, 1937. It is an Act similar to the acceptance Act which was passed for the purpose of having the State accept the provisions of the Smith-Hughes Law. This Act makes it possible for the State to accept the matching provisions of the George-Deen Act for the salaries and travel of teachers, supervisors and directors of (a) vocational agricultural subjects; (b) vocational trade and industrial subjects; (c) vocational home economics subjects; (d) vocational distributive occupational subjects, and for the education of teachers of vocational subjects. It designates the State Treasurer as the custodian of funds and designates the State Council of Education as the State Board for Vocational Education to carry out the provisions of the Act.

ACT 315, June 2, S. 885 provides $50,000 which may be matched with Federal funds to establish and conduct, as the needs require, special vocational trade and industrial and commercial classes and adjustment offices in cooperation with school districts and other agencies, in fitting for employment unemployed out-of-school youth over sixteen years of age. It provides for training, re-

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937—CONTINUED

training and adjustment in order to enable them to enter, re-enter or continue employment under changing conditions. The primary purpose of the Act is to provide for classes for adults where school districts are unable to pay the local share of the teacher's salary.

ACT 477, July 1, H. 1504 amends Section 3401 of the School Laws relating to vocational education. It makes provision for changes anticipated in the Federal George-Deen Act, the purpose of which is to further promote vocational education. It provides for classes for public and other service occupations, such as policemen, firemen, finance and other municipal officers and for distributive occupational education for persons employed as distributors of manufactured and raw materials. It revises the definition of evening school and expands it to include instruction for those unemployed or about to become unemployed where previous experience will assist them in preparing for employment in a related field. It makes the significant change of authorizing the establishment of State, regional and county vocational schools or classes with the necessary staffs, under the direction of the State Board for Vocational Education. Contingent upon the receipt of sufficient funds from the Federal George-Deen Act, it provides for an increase in the reimbursement to school districts of the first class —an increase from the present twenty-five per cent to thirty-five per cent. For the second, third and fourth class school districts, 50 per cent reimbursement for vocational teachers' salaries is provided in addition to the regular state-aid under the Edmonds Act for teachers of vocational day and part-time cooperative classes. Reimbursement for evening classes in all school districts has been changed from 66 2/3 per cent to one hundred per cent from July 1, 1937, to June 30, 1942. After the latter date reimbursement is to be reduced to eighty per cent of teachers' salaries. Under the present law, unions of school districts receive $500 annually. This is changed so that each school district comprising a union of school districts shall receive $250 annually. Travel expenses of vocational teachers, coordinators, supervisors and directors of vocational education are reimbursed eighty per cent of the total expenditures for such purposes.

ACT 489, July 1, H. 1465 provides for the establishment of vocational schools and classes in the area under county school superintendents and the levying of taxes to support the same by the county board of school directors. All of the school districts in each county that are under the jurisdiction of the county superintendent shall together constitute one vocational school district. The State Board for Vocational Education shall approve the establishment of all new vocational school districts. The board of school directors shall have power and its duty shall be: (a) to make surveys to determine the needs for vocational education; (b) to make rules and regulations for the administration of vocational education; (c) to employ supervisors, teachers and other persons needed to carry on vocational education; (d) to procure land and provide buildings; (e) to acquire real property by condemnation; (f) to incur and increase indebtedness by issuance of bonds; (g) to purchase equipment and supplies; (h) to make contracts for carrying out this Act; (i) to make necessary reports to the Department of Public Instruction; (j) to exercise such other powers and duties as are necessary.

The establishment, maintenance, conducting and operation of vocational industrial, agricultural, homemaking and distributive occupational schools, departments and classes are provided for when authorized by the electors, and are subject to all provisions of the public school laws. The board of school directors of vocational schools shall have power to levy taxes that are to be collected by the local tax collector. Reimbursement is made by the Commonwealth for salaries of teachers, transportation and tuition of pupils and any other items to which school districts are entitled. The authority to establish a county vocational school is based upon a majority affirmative vote of the county board of school directors and the voters of the area under the county superintendent. Provision is made for the establishment and maintenance of joint vocational schools. The provisions of this Act do not in any way affect existing programs of vocational education.

XVII. PROFESSIONAL LICENSING

ACT 136, April 30, H. 1028 limits the scope of practice of dental hygienists. It defines a dental hygienist as one who works under the general supervision of a licensed and registered dentist and not otherwise. Advertising is carefully regulated. The technical appellation which may be used by a dentist is clearly indicated.

ACT 190, May 20, H. 859 changes the requirements to be met by students who desire to enter the medical profession. The preliminary educational requirements set forth in this amendment are that such a student can have no less than two years, or sixty semester hours, of college credits, including one year in biology, one year in physics, one and one-half years in chemistry, including one-half year in organic chemistry and six semester hours in English, composition and literature.

ACT 191, May 20, H. 914 gives the Department of Public Instruction the authority to collect past due fees and penalties before issuing renewal licenses or registration certificates to persons engaged in professions, trades or occupations requiring such renewals.

ACT 220, May 25, H. 1411 confers upon the State Board of Optometrical Examiners certain powers to further regulate and provide for the licensing of branch offices. It prescribes additional grounds for refusing, cancelling, revoking or suspending licenses and makes certain changes as to persons who are and those who are not subject to the provisions of the Act.

ACT 222, May 25, H. 915 authorizes the Department of Public Instruction to fix the annual expiration dates for licenses and registration certificates for professions, trades and occupations licensed by the Department.

A DIGEST OF NEW LEGISLATION ON EDUCATION—1937—CONCLUDED

ACT 242, May 27, S. 388 amends Sections 2, 3, and 4 of the Act approved the 8th day of May 1909, by further defining the standards for drugs and adulteration of drugs. The term "drug" in this Act shall include all medicines and preparations recognized in the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary or the American Homeopathic Pharmacopoeia or any supplement to any of them official at the time of investigation for internal or external use. It shall also include any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or lower animal. A drug shall be deemed adulterated when it is sold or offered for sale with or without a modifying prefix or suffix and when it differs from the standard of strength, quality or purity as determined by the test or formula laid down in the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary or the American Homeopathic Pharmacopoeia or any supplement to any of them official at the time of investigation.

ACT 343, June 5, H. 1282 changes the pre-professional educational requirements to enter the practice of osteopathy. After the first day of July, 1941, an applicant can have no less than two years of college credits, including one year in each of the subjects of chemistry, biology, and physics, all of which must be completed before admission to the study of osteopathy. Preliminary educational requirements to practice operative surgery are set forth. This amendment also requires the annual renewal of osteopathic surgeons' licenses and extends the functions and authority of osteopathic physicians and surgeons,

ACT 354, June 5, H. 1524 modifies the provisions relating to barber schools, the licensing of persons as barbers and the issuing of renewal, student or apprentice permits. It provides additional grounds for suspension and revocation of permits. It discontinues the use of the term "Barber College." A preliminary educational requirement consisting of an eighth grade education or its equivalent is established.

ACT 460, July 1, S. 1119 provides for the qualifications, examination, appointment, term of office, and removal of anthracite mine inspectors. It also confers powers and duties upon the Governor, the Anthracite Mine Inspectors' Examining Board, the Department of Mines, and the courts. The nature of the examinations given anthracite mine inspectors is indicated. Rules are set forth governing the filling of vacancies, and the tenure of office is specified.

ACT 529, July 1, S. 1055 provides that whenever any act of Assembly, relating to the licensing or registration of persons engaged in professions, trades and occupations, in the Department of Public Instruction or any Board therein is violated, and prosecution therefor is brought by the Department of Public Instruction, such Department is authorized, with the approval of the Department of the Auditor General and the Department of Justice, to settle without further proceedings any such prosecution before any Justice of the Peace, magistrate or alderman upon the payment by each defendant of the minimum fine or penalty and costs provided for in the respective Acts.

ACT 530, July 1, S. 1258 provides for the annual renewal of the registration of pharmacists and assistant pharmacists. The Department of Public Instruction shall provide for, regulate and prescribe the form of such registration. The Department shall also require the payment of such annual registration fee as shall be fixed according to law. The registration of any person failing, refusing or neglecting to register annually may be revoked by the Department.

ACT 536, July 1, H. 1785 provides that every person registered in Pennsylvania as an assistant pharmacist who has served in the armed forces of the United States and who can present an honorable discharge from such service and who has had fifteen years experience as an assistant pharmacist, and every person registered in Pennsylvania as an assistant pharmacist or registered as a pharmacist in any other state who has been in the retail drug business for at least twenty-five years the last fifteen years of which were in this Commonwealth, may apply during a period of ninety days from the approval of this Act for registration as a pharmacist. Upon approval of such application and after an oral examination and payment of a fee of fifty dollars, the State Board of Pharmacy shall grant a certificate of registration as a pharmacist.

ACT 590, July 2, H. 1757 defines the terms "Real Estate Broker" and "Real Estate Salesman" and provides for the licensing, regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business. The term "real estate" shall include cemetery lots. The term "real estate broker" shall include all persons, co-partnerships, associations and corporations, foreign and domestic, who or which purchase, sell, rent, trade, or exchange real estate. It shall also include auctioneers, appraisers, managers of apartment buildings and persons employed by banking institutions and trust companies who engage in the handling of real estate. No person shall be licensed as a real estate broker unless such person shall have served an apprenticeship as a duly licensed real estate salesman of not less than two years in the employ of a duly licensed real estate broker. No "For Rent" or "For Sale" sign can be placed on any property by a real estate broker without the owner's consent or without an exclusive agency therefor.

ACT 370, June 16, S. 341 amends the **Liquor Control Act** by altering the provisions regarding the educational standards to be required as prerequisites to competitive examinations conducted by the Department of Public Instruction for the selection of personnel for the Pennsylvania Liquor Control Board. It provides that no applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position.

COURT SUSTAINS TENURE ACT

New Law Found Constitutional and Within Legislative Authority

In a carefully considered opinion, Judge W. L. McLean of the Court of Common Pleas of Luzerne County, on June 25 sustained the constitutionality of the Teacher Tenure Law and issued a writ of mandamus to compel the board of school directors of the Forty Fort school district to issue a contract to Miss Luella Gere in accordance with the provisions of the Act.

Specific issues before the Court were: (1) Was the termination notice issued prior to April 6, 1937 effective and (2) is the Teacher Tenure Act a constitutional exercise of legislative authority?

In considering these issues the Court discussed carefully the term "professional employe" as defined within the Act and held that Miss Gere was unquestionably a professional employe at the time the Act became effective; that even if the exercise of the power to use termination notices in accordance with the old law still existed, it must be conceded that such notice had not yet, in reality, terminated the contract when the sixth day of April arrived, on which date the Governor signed the Tenure Law.

In considering the constitutionality of the Act, Judge McLean presented arguments and citations setting aside each of the following reasons advanced in the effort to prove the unconstitutionality of the Act:

1. That it is an ex post facto law.
2. That it impairs the obligation of contracts.
3. That the title to an act makes no mention of contracts effective at the time of enactment.
4. That it violates the constitutional prohibition against offices for which appointment shall be for a longer term than during good behavior.
5. That the tender of employment was not conditioned upon the employe's well behaving while in office.

Having disposed of each of these contentions by citing and quoting decisions of the higher Courts, the Court concluded that the statute is a valid exercise of legislative authority, that it imposes a mandatory duty upon the respondents in the instant case and provides a clear legal right from the realtor to a contract of employment as sought under the petitions she filed. The Court, therefore, entered a peremptory mandamus directing the board of school directors forthwith to enter into contract with Miss Gere in accordance with the provisions of the Act of Assembly.

TEACHERS' CONTRACTS MAY BE SUPPLEMENTED UNDER NEW TENURE LAW

Additional Items of Agreement Do Not Violate Present Provisions

The Department of Public Instruction is frequently requested to express an opinion as to the interpretation which should be given to the provisions of the New Tenure Law set forth in the second paragraph of Section 1205 in the words, "said contract shall contain only the following," and in the following words found in the fifth paragraph of the same Section, "none of the provisions of this Act may be waived, either orally or in writing."

These provisions do not prevent the board of school directors from entering into a supplemental contract with teachers so long as the provisions of such supplemental contract do not in any way conflict with the tenure rights of the teacher, or with the salary obligations involved in a compliance with the Edmonds Act, and any adopted salary schedule which the district itself may have on record.

It seems obvious that the expression, "only the following" can not be construed as meaning "only the following words." Such an interpretation would prohibit the dating of the contract, the insertion of the employe's name, the insertion of the number of months of service, the rate of compensation, and the regular attestation clause. It seems equally obvious, therefore, that the meaning is "only the following provisions" rather than "only the following words."

Whenever any other provisions are agreed upon by the Board of Education and the teacher it may be desirable that these provisions should be set forth in a separate or supplemental contract. Such separate or supplemental contract might very well be printed upon the back of the regular contract, if the board so desires. Such a supplemental contract might be a very useful method to use when a district is giving to an employe extra compensation for extra service rendered. In such an event, the regular contract would set forth the salary assured in compliance with the regular salary schedule, while the supplemental contract would continue the provisions pertaining to any extra service to be rendered.

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SCHOOLBOARDS ADVISED ON NEW INCREMENTS OF TEACHERS' SALARIES

In view of new legislation enacted by the 1937 Session of the General Assembly, the Department of Public Instruction has outlined some suggestions with reference to salary requirements in districts of the fourth class.

The Horting Act (Act 345, June 5, H. 1978), it was explained, provides that beginning with the school year 1937-38 the minimum salary for elementary teachers in these districts shall be $1,000 and that, beginning with the school year 1938-39, increments shall become effective. These increments are to be fifty dollars per year for four years. The Act likewise provides that the minimum salaries for 1937-38 for secondary school teachers shall be $1,170 and that, beginning with the school year 1938-39, there shall be four annual increments of one hundred dollars each.

The reimbursement which the State will make to the respective districts, will be at the same percentage as now applies to the district, but the reimbursement will be based on the new minimum salary instead of the minimum salary heretofore existing. The increments, under this Act, just as in the case of increments in all other classes of school districts, must be borne by the local district.

This Act contains what is called a "cut-off clause" which specifies that the Act shall not be valid if the Store Tax is held to be unconstitutional.

In view of the possibility that the courts may declare the Store Tax Act to be unconstitutional it would be advisable that all districts should proceed as follows:

1. In setting up budget estimates for 1937-38 anticipate the necessity of paying to teachers the new minimum required by the Horting Act.
2. To protect the districts, however, against the contingency of difficulty growing out of any possibilities of the unconstitutionality of the Store Tax, see to it that all contracts drawn with teachers are drawn on the basis of the salary heretofore required rather than on the salary called for by the Horting Act. The teacher will be sufficiently protected by such an arrangement and the district will be saved any embarrassment that might otherwise arise.

The provisions of Senate Bill No. 158 should be considered also in connection with salaries in fourth-class districts. This provision is the one which provides that, beginning with the school year 1939-40, the minimum length of the school year shall be 180 days. May we bring to your attention the fact that if you begin paying teachers $1,000 for eight months of service and make payments on that basis for two years and then, in compliance with Senate Bill No. 158, extend the period of service one month without adding still further salary, you will, in reality, be decreasing the rate of pay of such teacher and will, in our opinion, be violating one of the provisions of the new Tenure Law. We suggest, therefore, that you, at this time, make no definite provision as to the length of school year which you have for 1937-38. As soon as a court decision establishes the validity or invalidity of the Store Tax you can then decide with safety what length of term you shall require for the school year 1937-38.

EDUCATION FOR BETTER CIVIC LIFE

It has been said that education must in the future be a part of the procedure of government itself. Since the citizen is now so willing to be educated, a democratic government must not shirk leadership or halt in taking the initiative. Democracy must be led and public opinion called into action. This means that education must comprehend all phases of civic life and must assume responsibility not only for developing these various phases but for the more vital task of coordinating them into some semblance of unity and harmony.

TANGIBLE CONTRIBUTIONS TO CIVIC LIFE

So closely is public education related to social and civic life that almost every advancement or innovation in human progress, however slight, is felt in the schools. For this reason, education is the most potent single force for social harmony, for it touches not only all tangible aspects of our economic, social, industrial and political environment but also practically every intangible element in contemporary society.

Through the great institution of learning we improve the use and development of our economic resources. In so doing we raise our citizens to a higher level of living and to a fuller enjoyment of the refinements of life. The school system constitutes a basic industry involving a capital investment of more than ten billion dollars and comprising the activities of more than thirty-five million pupils, teachers and administrators, as well as the interests of the entire population of America. An institution of such gigantic proportions obviously exerts considerable economic weight in the balance of social harmony.

From a social standpoint, public education makes a significant contribution to better civic relations by developing in citizens the ability to participate intelligently in community affairs, and by inculcating in them a consciousness of social interdependence. The reduction or elimination of illiteracy is another service of public education which tends to produce a more wholesome society. More recently the schools have assumed some responsibility in the education of the consumer with a view to eliminating wasteful buying, thereby aiding the general well-being.

Industrially, besides employing a million and a quarter people directly, the public schools make a contribution by keeping youth in school, thereby reducing unemployment, reducing child labor, and preparing those in school for definite employment after graduation.

INTANGIBLE CONTRIBUTIONS TO CIVIC LIFE

In addition to facilitating social relations on these economic bases, public education makes an even greater contribution to social harmony through the promotion of certain imponderable outcomes. Among these are the orderliness of government which seems to characterize our American population in contrast with other peoples of the world who are more or less given to revolution. A better understanding of physical environment, the phenomena of nature, and the laws underlying human relations, provides a sound basis for a society motivated by intelligence and good judgment in its essential activities. By raising the general level of these social relationships education promotes an enlightened electorate and better citizenship.

It has been said that a popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy. The schools of America provide the means, not only for the general enrichment of life, but for the better interpretation and enjoyment of a complex world. Other intangible products of the program of education include the discovery of latent powers in the learner, the acquisition of attitudes and qualities that make for worthy home membership, the inculcation of ethical character, and the general promotion of progress and happiness. The schools are truly the trustees of posterity.

—LESTER K. ADE